

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

United States of America,	)	CASE NO. 4:19-CR-341
	)	
Plaintiff	)	Honorable Patricia A. Gaughan
	)	
vs.	)	
	)	
Tommy Grant,	)	SENTENCING MEMORANDUM OF
	)	DEFENDANT TOMMY GRANT
Defendant	)	

MEMORANDUM

Defendant Tommy Grant now submits this sentencing memorandum for purposes of his sentencing in this matter.

A. Offense

Pursuant to a Criminal Rule 11(c)(1)(B) plea agreement, Defendant Tommy Grant pled Guilty to the single count of the indictment in this matter. Count 1 charges that on January 29, 2019 Defendant Grant was a Felon in Possession of a Firearm and Ammunition, in violation of Title 18 USC Sec. 922(g)(1) and Sec. 924(a)(2). Under the federal sentencing guidelines, places an offender at a base offense level of 20. (See U.S.S.G. Sec. 2K2.1(a)(4)(A).

B. Criminal History

Defendant Eric Salas has prior state criminal convictions. According to the Presentence Report, his criminal history category is Category IV. (See Presentence Investigative Report, page 3,4. Doc. # 17)

C. Conduct

Defendant pled guilty to in violation of Title 18 Section 922(g)(1) and Sec. 924(a)(2). The defendant's conduct, in summary, is that on January 29, 2019 during an administrative search of his girlfriend's home (where he had just moved in), a .20 gauge shotgun was found in a bedroom. Ammunition was found taped to the weapon and in a nearby closet. (Presentence Investigation Report, page 3. Doc. #17) While he did not own the gun, and did not bring it in to the house, Defendant admits that he knew the firearm was in the home. (Presentence Investigation Report, page 4. Doc. #17) Defendant takes responsibility and knows that he was not to be in a home where there was a firearm.

Having said this, it is important to note that Defendant Grant was not found carrying the firearm or using it to commit a crime. He did not purchase the firearm. It was not a stolen firearm. As will be presented at the sentencing hearing, Defendant's girlfriend had the shotgun in the home prior to December of 2018, the time he moved in.

D. Sentencing Guideline Factors.

As mentioned above, under the federal sentencing guidelines, Defendant's base level is 20. See U.S.S.G. Sec. 2K2.1. Defendant Grant is, initially, at a level 20 under the guidelines as charged.

Under the plea agreement, the government is agreeing to a three level reduction for acceptance of responsibility by Defendant Grant, under U.S.S.G. 3E1.1(a) and (b). (See Plea Agreement, page 5 par. 16. Doc. #15; Presentence Investigation Report, page 3,4. Doc.#17) If the court approves this reduction, Defendant's offense level is 17.

Defendant respectfully requests that this Court, to give due consideration to all of the factors set forth in 18 U.S.C. §3553(a) and fashion a sentence which satisfies the goal of

sentencing guidelines of a sentence which is sufficient, but not greater than necessary.

Respectfully submitted,

/s/Michael P. Maloney

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#### CERTIFICATE OF SERVICE

A copy of the foregoing Sentencing Memorandum was filed electronically on the 22nd day of January, 2020, and will be sent to all parties by operation of the Court's electronic filing system.

/s/Michael P. Maloney

Michael P. Maloney  
Attorney for Defendant